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7 Attorneys for Plaintiff
 NEW YORK-NEW YORK HOTEL & CASINO, LLC

8
 9 **UNITED STATES DISTRICT COURT**
 10 **DISTRICT OF NEVADA**

11 NEW YORK-NEW YORK HOTEL &
 12 CASINO, LLC, a Nevada Limited Liability
 Company,

13 Plaintiff,

14 v.

15 RONNIE KATZIN, an individual d/b/a
 16 NEWYORKNEWYORK.COM, INC., and
 17 NEWYORKNEWYORK.COM, INC., an
 entity of unknown form,

18 Defendants.
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Case No.

**COMPLAINT FOR DAMAGES AND
 INJUNCTIVE RELIEF**

- (1) Cybersquatting
under 15 U.S.C. § 1125(d)
- (2) Trademark Infringement
under 15 U.S.C. § 1114
- (3) Unfair Competition
under 15 U.S.C. § 1125(a)
- (4) Trademark Dilution
under 15 U.S.C. § 1125(c)
- (5) Common Law Trademark
Infringement
- (6) Deceptive Trade Practices under N.R.S. §
598.0915
- (7) Intentional Interference with
Prospective Economic Advantage

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 25 For its complaint against Defendants Ronnie Katzin and NewYorkNewYork.com, Inc.
 26 ("Defendants"), Plaintiff New York-New York Hotel & Casino, LLC ("Plaintiff") alleges the
 27 following:
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NATURE OF THE CASE

This is an action for cybersquatting, trademark infringement, unfair competition, and trademark dilution under federal statutes, with pendent state and/or common law claims for trademark infringement, deceptive trade practices, and intentional interference with prospective economic advantage. Plaintiff seeks damages, attorneys’ fees, costs, and preliminary and permanent injunctive relief.

JURISDICTION AND VENUE

1. This Court has subject matter jurisdiction over this case pursuant to 28 U.S.C. §§ 1331 and 1338(a). This Court has supplemental jurisdiction over Plaintiff’s common law claims pursuant to 28 U.S.C. § 1367(a).

2. This Court has personal jurisdiction over Defendants based upon the following: (a) Defendants operates a website on the Internet that is accessible to residents of the State of Nevada; (b) Defendants’ website is interactive in that it seeks to collect information from users and allows users to book travel reservations; and (c) Defendants have committed tortious acts that Defendants knew or should have known would cause injury to a resident in the State of Nevada.

3. Venue is proper in the United States District Court for the District of Nevada under 28 U.S.C. §§ 1391(b) and 1391(c).

PARTIES

4. Plaintiff New York-New York Hotel & Casino, LLC ("New York-New York") is a Nevada limited liability company with its principal place of business at 3790 Las Vegas Boulevard South, Las Vegas, Nevada 89109.

5. Upon information and belief, Defendant Ronnie Katzin ("Katzin") is an individual residing at 18650 Hatteras Street, # 109, Tarzana, CA 91356.

6. Upon information and belief, Defendant Katzin is doing business as NewYorkNewYork.com, Inc.

7. Upon information and belief, Defendant NewYorkNewYork.com, Inc. (“NewYorkNewYork.com”) is an entity of unknown form, with its principal place of business at 18650 Hatteras Street, # 109, Tarzana, CA 91356.

1 8. Upon information and belief, at all times mentioned herein, there existed such a
2 unity of information, disregard for corporate form, and undercapitalization that Defendant
3 NewYorkNewYork.com was, and acted as, the alter ego of Defendant Katzin. For these and
4 other reasons, Defendant Katzin is personally liable for all activity alleged herein.

5 **PLAINTIFF'S RIGHTS**

6 9. Plaintiff owns and operates the New York-New York hotel casino in Las Vegas,
7 Nevada (the "New York-New York Hotel").

8 10. Since opening the New York-New York Hotel in 1997, Plaintiff has continuously
9 used the NEW YORK-NEW YORK trademark in connection with a variety of goods and
10 services.

11 11. Plaintiff owns numerous federal trademark registrations for NEW YORK-NEW
12 YORK on the Principal Register of the United States Patent and Trademark Office ("USPTO") in
13 connection with various goods and services:

- 14 a) **NEW YORK NEW YORK** for resort/hotel services, not provided in the
15 city of New York or state of New York (Reg. No. 2,187,032);
- 16 b) **NEW YORK NEW YORK** for providing casino facilities and
17 entertainment services, namely, stage production, lounge acts, musical
18 production and presentations, and special events (Reg. No. 2,187,031);
- 19 c) **NEW YORK NEW YORK HOTEL & CASINO** for resort hotel, bar,
20 lounge and health spa services (Reg. No. 2,442,508);
- 21 d) **NEW YORK NEW YORK HOTEL & CASINO** for casino services and
22 entertainment services, namely, live performances featuring music and
23 singers, dancers, magicians, actors, acrobats, comedians (Reg. No.
24 2,436,898);
- 25 e) **NEW YORK NEW YORK HOTEL & CASINO (Stylized)** for wearing
26 apparel, namely, shirts, t-shirts, polo shirts, golf shirts, tank tops, sweaters,
27 shorts, nightshirts, robes, undergarments, leotards, hats, caps, visors,
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- jackets, warm-up suits, jogging suits, sweatshirts, sweat pants, beach wear, namely, bathing suits, beach coveralls and sandals (Reg. No. 3,680,173);
- f) **NEW YORK NEW YORK HOTEL & CASINO (Stylized)** for dice, card games, golf balls (Reg. No. 3,676,867);
 - g) **NEW YORK NEW YORK HOTEL & CASINO LAS VEGAS (and Design)** for casino services and entertainment services namely live performances featuring musicians, music and singers, prerecorded music and video, dancers, magicians, actors, acrobats and comedians (Reg. No. 2,912,175);
 - h) **NEW YORK NEW YORK HOTEL & CASINO LAS VEGAS (and Design)** for hotel, resort, restaurant, bar and cocktail lounge services (Reg. No. 2,915,641);
 - i) **NEW YORK NEW YORK HOTEL & CASINO - LAS VEGAS (Stylized)** for resort hotel, restaurant, bar and cocktail lounge services; providing banquet and social function facilities for special occasions; providing convention facilities; providing facilities for exhibitions (Reg. No. 3,346,903);
 - j) **NEW YORK NEW YORK HOTEL & CASINO - LAS VEGAS (Stylized)** for beauty salon and spa services, namely, cosmetic body care services and health spa services for health and wellness of the body and spirit; massage; tanning salons (Reg. No. 3,346,904);
 - k) **NEW YORK NEW YORK HOTEL & CASINO - LAS VEGAS (Stylized)** for casinos and casino services; entertainment services, namely, live performances featuring musicians and singers, dancers, magicians, actors, acrobats, comedians and prerecorded music and video; amusement arcades; entertainment in the nature of theater productions, live music concerts, visual and audio performances, variety, and comedy shows; conducting and providing facilities for special events featuring casino and

1 customer gaming contests and tournaments; arranging for ticket
2 reservations for shows and other entertainment events; audio recording and
3 production; night clubs; health club services, namely providing instruction
4 and equipment in the field of physical exercise; providing facilities for
5 recreation activities; providing swimming pools; special event planning
6 (Reg. No. 3,346,902);

7 l) **NEW YORK NEW YORK HOTEL & CASINO - LAS VEGAS**
8 **(Stylized)** for pens, post cards (Reg. No. 3,581,012);

9 (collectively, the "NEW YORK-NEW YORK Marks").

10 12. Plaintiff's federal trademark registrations have not been abandoned, cancelled or
11 revoked. Moreover, Plaintiff's federal trademark registrations 2,187,031, 2,187,032, 2,442,508
12 and 2,436,898 have become incontestable through the filing of Section 8 and 15 affidavits in the
13 USPTO.

14 13. Plaintiff has spent substantial sums of money to advertise and promote the NEW
15 YORK-NEW YORK Marks in print, broadcast media, and on the Internet, including through the
16 "New York-New York" website accessible throughout the United States and around the world at
17 <nynyhotelcasino.com>.

18 14. Plaintiff has made extensive use of the NEW YORK-NEW YORK Marks on,
19 among other things, signage, wearing apparel, souvenirs and promotional materials.

20 15. Based on its federal trademark registrations and extensive use, Plaintiff owns the
21 exclusive right to use the NEW YORK-NEW YORK Marks in connection with hotel, casino and
22 related services.

23 16. The NEW YORK-NEW YORK Marks have become distinctive and famous in the
24 United States and around the world for hotel and casino services.

25 **DEFENDANTS' INFRINGING ACTIVITIES**

26 17. Upon information and belief, on or about December 7, 1995, Defendant Katzin
27 registered the Internet domain name <newyorknewyork.com> (the "Infringing Domain Name") in
28 the name of Skylink Networks, Inc., with Network Solutions, a registrar for domain names.

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1 18. Upon information and belief, around May 2003, the Infringing Domain Name was
2 transferred to a registrant called NewYorkNewYork.com.

3 19. Upon information and belief, some time thereafter, the Infringing Domain Name
4 was transferred to a registrant called True Magic, LLC (“True Magic”).

5 20. Upon information and belief, from at least February 2005 to April 2006, True
6 Magic linked the Infringing Domain Name to various websites containing links that enabled
7 visitors to book hotel reservations at the New York-New York Hotel as well other competing
8 hotels in Las Vegas, NV.

9 21. On or about February 1, 2006, counsel for Plaintiff contacted True Magic to
10 express its concern that True Magic’s activities were likely confusing Internet users into falsely
11 believing that the Infringing Domain Name and associated websites were somehow affiliated with
12 or endorsed by Plaintiff.

13 22. Shortly after Plaintiff sent its February 1, 2006 correspondence, the Infringing
14 Domain Name was transferred to Defendant Katzin.

15 23. Upon information and belief, after receiving Plaintiff’s correspondence, Defendant
16 Katzin stopped linking the Infringing Domain Name to a website offering hotel bookings at the
17 New York-New York Hotel.

18 24. Recently, Plaintiff learned that the Infringing Domain Name has been linked to a
19 website that prominently features the NEW YORK NEW YORK LAS VEGAS HOTEL &
20 CASINO trademark (the “Infringing Website”).

21 25. Specifically, the NEW YORK NEW YORK LAS VEGAS HOTEL & CASINO
22 mark appears in the banner of the Infringing Website, next to a graphic of Plaintiff’s New York-
23 New York Hotel.

24 26. The Infringing Website does not include a disclaimer explaining that it has no
25 affiliation with Plaintiff.

26 27. When Internet users click on the banner, they are redirected to a website enabling
27 them to book hotel reservations at Plaintiff’s New York-New York Hotel.

28 28. Internet users are not redirected to Plaintiff’s website <nynyhotelcasino.com>.

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1 29. Upon information and belief, Defendants are compensated by a third party each
2 time a customer successfully books a reservation originating from the Infringing Website.

3 30. The registrant of the Infringing Domain Name is currently listed as
4 NewYorkNewYork.com, Inc.

5 31. The administrative contact of the Infringing Domain Name is currently listed as
6 Ronnie Katzin.

7 32. Upon information and belief the address associated with the Infringing Domain
8 Name, namely 18650 Hatteras Street, #109, Tarzana, California, 91356, has not changed since the
9 Infringing Domain Name was registered in December 1995.

10 33. Upon information and belief, Defendant Katzin has been in control of the
11 Infringing Domain Name since it was registered in December 1995.

12 34. Defendants registered the Infringing Domain Name approximately a year after
13 Plaintiff announced the construction of the New York-New York Hotel and three months after
14 the priority date of Plaintiff's federal trademark registrations for NEW YORK NEW YORK for
15 hotel and casino services. Specifically, Plaintiff's predecessor in interest, MGM Grand, Inc.,
16 announced the hotel in 1994. Plaintiff filed federal trademark applications Ser. Nos. 74-728,583
17 and 74-728582 for NEW YORK NEW YORK for hotel and casino services on September 13,
18 1995, which subsequently matured into principal register Registration Nos. 2,187,032 and
19 2,187,031 on September 8, 1998 and September 13, 1998, respectively, with priority dates of
20 September 13, 1995. As mentioned above, Defendants registered the Infringing Domain Name
21 on December 7, 1995.

22 35. Upon information and belief, Defendants registered the Infringing Domain Name
23 after learning of Plaintiff's intent to build the New York-New York Hotel in Las Vegas, NV.

24 36. Defendants did not obtain Plaintiff's consent or authorization to register a domain
25 name containing Plaintiff's NEW YORK-NEW YORK Marks.

26 37. Defendants did not obtain Plaintiff's consent or authorization to use the mark
27 NEW YORK NEW YORK LAS VEGAS HOTEL & CASINO in connection with the Infringing
28 Website.

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COUNT I

(Cybersquatting – 15 U.S.C. § 1125(d))

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3 38. Plaintiff incorporates the allegations in the preceding paragraphs as if fully set
4 forth herein.

5 39. Defendants have registered, trafficked in, and/or used a domain name that is
6 confusingly similar to and/or dilutive of Plaintiff’s NEW YORK-NEW YORK Marks.

7 40. Plaintiff’s NEW YORK-NEW YORK Marks were distinctive at the time
8 Defendants registered the Infringing Domain Name.

9 41. Upon information and belief, Defendants have and/or had a bad faith intent to
10 profit from Plaintiff’s NEW YORK-NEW YORK Marks.

11 42. Upon information and belief, Defendants had no trademark or other intellectual
12 property rights in the NEW YORK-NEW YORK name or Marks prior to registration of the
13 Infringing Domain Name.

14 43. Upon information and belief, by registering and using a domain name containing
15 Plaintiff’s NEW YORK-NEW YORK Marks, and by using the same to redirect users to an online
16 reservation site for Plaintiff’s New York-New York Hotel, Defendants were and are attempting to
17 create an association between the Infringing Domain Name and Plaintiff’s NEW YORK-NEW
18 YORK Marks.

19 44. Upon information and belief, by registering and using a domain name containing
20 Plaintiff’s NEW YORK-NEW YORK Marks, Defendants were and are intending to divert
21 customers from Plaintiff’s website to a site accessible under the Infringing Domain Name in a
22 manner that could harm the goodwill represented by Plaintiff’s NEW YORK-NEW YORK
23 Marks.

24 45. As a direct and proximate result of such conduct, Plaintiff has suffered, and will
25 continue to suffer, monetary loss and irreparable injury to its business, reputation, and goodwill.
26 Therefore, Plaintiff is entitled to an award of compensatory damages and disgorgement of
27 Defendants’ profits in an amount to be proven at trial.
28

1 46. Pursuant to the Lanham Act, Plaintiff is also entitled to treble damages and
2 attorneys' fees and costs incurred in prosecuting this action.

3 47. Plaintiff has no full remedy at law and will be irreparably harmed unless
4 Defendants are immediately prohibited from the activities alleged herein. Therefore Plaintiff is
5 entitled to a preliminary and permanent injunction as set forth in Plaintiff's Prayer for Relief.

6 **COUNT II**

7 **(Federal Trademark Infringement – 15 U.S.C. § 1114)**

8 48. Plaintiff incorporates the allegations in the preceding paragraphs as if fully set
9 forth herein.

10 49. Defendants used and are using in commerce the mark NEW YORK NEW YORK
11 LAS VEGAS HOTEL & CASINO in connection with a website that provides links to online
12 reservations for Plaintiff's New York-New York Hotel as well as competing Las Vegas hotels.

13 50. Defendants' use in commerce of a mark that is the same or confusingly similar to
14 Plaintiff's NEW YORK-NEW YORK Marks for Defendants' services, constitutes a reproduction,
15 copying, counterfeiting, and colorable imitation of Plaintiff's trademark in a manner that is likely
16 to cause confusion or mistake or is likely to deceive consumers as to an affiliation, connection, or
17 association with Plaintiff.

18 51. Defendants' use of a mark identical or confusingly similar to Plaintiff's NEW
19 YORK-NEW YORK Marks has created a likelihood of confusion among consumers who may
20 falsely believe that Defendants' business is associated with Plaintiff's New York-New York
21 Hotel or that Plaintiff sponsors or approves of Defendants' commercial activities.

22 52. Defendants' continued and knowing use of a mark identical or confusingly similar
23 to Plaintiff's NEW YORK-NEW YORK Marks without Plaintiff's consent or authorization
24 constitutes intentional infringement of Plaintiff's federally registered trademarks in violation of
25 Section 32 of the Lanham Act, 15 U.S.C. § 1114.

26 53. As a direct and proximate result of such conduct, Plaintiff has suffered, and will
27 continue to suffer, monetary loss and irreparable injury to its business, reputation, and goodwill.
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1 Therefore, Plaintiff is entitled to an award of compensatory damages and disgorgement of
2 Defendants' profits in an amount to be proven at trial.

3 54. Pursuant to the Lanham Act, Plaintiff is also entitled to treble damages and
4 attorneys' fees and costs incurred in prosecuting this action.

5 55. Plaintiff has no full remedy at law and will be irreparably harmed unless
6 Defendants are immediately prohibited from the activities alleged herein. Therefore Plaintiff is
7 entitled to a preliminary and permanent injunction as set forth in Plaintiff's Prayer for Relief.

8 **COUNT III**

9 **(Unfair Competition: False Designation of Origin – 15 U.S.C. § 1125(a)(1)(A))**

10 56. Plaintiff incorporates the allegations in the preceding paragraphs as if fully set
11 forth herein.

12 57. Defendants' use of a mark identical or confusingly similar to Plaintiff's NEW
13 YORK-NEW YORK Marks in connection with a website offering hotel reservations for
14 Plaintiff's New York-New York Hotel constitutes false designations of origin because it indicates
15 to consumers that Defendants' services are produced by, affiliated or associated with Plaintiff
16 when in fact they are not.

17 58. Defendants' actions have created a likelihood of confusion among consumers who
18 will falsely believe that Defendants' services are produced by, or affiliated or associated with
19 Plaintiff, when in fact they are not.

20 59. Upon information and belief, Defendants acted knowingly, deliberately, and
21 willfully with the intent to trade on Plaintiff's reputation. Defendants' conduct is willful, wanton
22 and egregious.

23 60. As a direct and proximate result of such conduct, Plaintiff has suffered, and will
24 continue to suffer, monetary loss and irreparable injury to its business, reputation, and goodwill.
25 Therefore, Plaintiff is entitled to an award of compensatory damages and disgorgement of
26 Defendants' profits in an amount to be proven at trial.

27 61. Pursuant to the Lanham Act, Plaintiff is also entitled to treble damages and
28 attorneys' fees and costs incurred in prosecuting this action.

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1 62. Plaintiff has no full remedy at law and will be irreparably harmed unless
2 Defendants are immediately prohibited from the activities alleged herein. Therefore Plaintiff is
3 entitled to a preliminary and permanent injunction as set forth in Plaintiff’s Prayer for Relief.

4 **COUNT IV**

5 **(Federal Trademark Dilution –15 U.S.C. § 1125(c))**

6 63. Plaintiff incorporates the allegations in the preceding paragraphs as if fully set
7 forth herein.

8 64. Plaintiff’s NEW YORK-NEW YORK Marks are inherently distinctive.

9 65. Based on Plaintiff’s continuous and extensive use of the NEW YORK-NEW
10 YORK Marks, they are entitled to be recognized as famous under 15 U.S.C. § 1125(c).

11 66. Defendants began using, in commerce, a mark identical or confusingly similar to
12 Plaintiff’s NEW YORK-NEW YORK Marks, after Plaintiff’s NEW YORK-NEW YORK Marks
13 became famous.

14 67. Defendants’ unauthorized use of a mark that is identical or confusingly similar to
15 Plaintiff’s NEW YORK-NEW YORK Marks has and will cause dilution of the distinctive quality
16 of Plaintiff’s NEW YORK-NEW YORK Marks and the goodwill associated with them, in
17 violation of Section 43(c) of the Lanham Act, 15 U.S.C. § 1125(c).

18 68. Upon information and belief, Defendants’ actions were willful in nature, in that
19 Defendants willfully intended to trade on Plaintiff’s reputation or to dilute Plaintiff’s NEW
20 YORK-NEW YORK Marks.

21 69. As a direct and proximate result of such conduct, Plaintiff has suffered, and will
22 continue to suffer, monetary loss and irreparable injury to its business, reputation, and goodwill.
23 Therefore, Plaintiff is entitled to an award of compensatory damages and disgorgement of
24 Defendants’ profits in an amount to be proven at trial.

25 70. Pursuant to the Lanham Act, Plaintiff is also entitled to treble damages and
26 attorneys’ fees and costs incurred in prosecuting this action.

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1 71. Plaintiff has no full remedy at law and will be irreparably harmed unless
2 Defendants are immediately prohibited from the activities alleged herein. Therefore Plaintiff is
3 entitled to a preliminary and permanent injunction as set forth in Plaintiff’s Prayer for Relief.

4 **COUNT V**

5 **(Common Law Trademark Infringement)**

6 72. Plaintiff incorporates the allegations in the preceding paragraphs as if fully set
7 forth herein.

8 73. By virtue of having used and continuing to use Plaintiff’s NEW YORK-NEW
9 YORK Marks, Plaintiff has acquired common law trademark rights in the marks.

10 74. Defendants’ use, in commerce, of a mark that is identical or confusingly similar to
11 Plaintiff’s NEW YORK-NEW YORK Marks is likely to cause confusion, mistake, or deception
12 among consumers, who will believe that Defendants’ services originate from, are affiliated with,
13 or are endorsed by Plaintiff, when, in fact, they are not.

14 75. As a direct and proximate result of such conduct, Plaintiff has suffered, and will
15 continue to suffer, monetary loss and irreparable injury to its business, reputation, and goodwill.
16 Therefore, Plaintiff is entitled to an award of compensatory damages and disgorgement of
17 Defendants’ profits in an amount to be proven at trial.

18 76. Defendants’ aforementioned acts have been fraudulent, oppressive, and malicious,
19 and, therefore, Plaintiff is entitled to an award of exemplary damages pursuant to Nevada Revised
20 Statute § 42.005.

21 77. By their actions, Defendants have irreparably injured Plaintiff. Such irreparable
22 injury will continue unless Defendants are preliminarily and permanently enjoined by this Court
23 as set forth in Plaintiff’s Prayer for Relief.

24 **COUNT VI**

25 **(Deceptive Trade Practices – N.R.S. § 598.0915)**

26 78. Plaintiff incorporates the allegations in the preceding paragraphs as if fully set
27 forth herein.

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1 79. Upon information and belief, in the course of conducting business, Defendants
2 knowingly made false representations as to an affiliation, connection, and/or association with
3 Plaintiff’s New York-New York Hotel by using marks identical and/or confusingly similar to
4 Plaintiff’s NEW YORK-NEW YORK Marks.

5 80. By virtue of the acts complained of herein, Defendants have intentionally caused a
6 likelihood of confusion among the public and has otherwise engaged in deceptive trade practices
7 in violation of Nevada Revised Statute § 598.0915, *et seq.*

8 81. As a direct and proximate result of such conduct, Plaintiff has suffered, and will
9 continue to suffer, monetary loss and irreparable injury to its business, reputation, and goodwill.
10 Therefore, Plaintiff is entitled to an award of compensatory damages and disgorgement of
11 Defendants’ profits in an amount to be proven at trial.

12 82. Defendants’ aforementioned acts have been fraudulent, oppressive, and malicious,
13 and, therefore, Plaintiff is entitled to an award of exemplary damages pursuant to Nevada Revised
14 Statute § 42.005.

15 83. By their actions, Defendants have irreparably injured Plaintiff. Such irreparable
16 injury will continue unless Defendants are preliminarily and permanently enjoined by this Court
17 as set forth in Plaintiff’s Prayer for Relief.

18 **COUNT VII**

19 **(Intentional Interference with Prospective Economic Advantage)**

20 84. Plaintiff incorporates the allegations in the preceding paragraphs as if fully set
21 forth herein.

22 85. Upon information and belief, at and since the time Defendants began using a mark
23 that is identical or confusingly similar to Plaintiff’s NEW YORK-NEW YORK Marks,
24 Defendants knew and have known that Plaintiff is in the business of providing casino hotel
25 services, and that Plaintiff advertises these services on the Internet using Plaintiff’s NEW YORK-
26 NEW YORK Marks.

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1 86. Upon information and belief, Defendants committed acts intended or designed to
2 disrupt Plaintiff's prospective economic advantage arising from advertising and/or providing
3 these services.

4 87. Defendants' actions have disrupted or are intended to disrupt Plaintiff's business
5 by, among other things, diverting web users away from Plaintiff's website and to the Infringing
6 Website.

7 88. Defendants have no legal right, privilege or justification for this conduct.

8 89. As a direct and proximate result of such conduct, Plaintiff has suffered, and will
9 continue to suffer, monetary loss and irreparable injury to its business, reputation, and goodwill.
10 Therefore, Plaintiff is entitled to an award of compensatory damages and disgorgement of
11 Defendants' profits in an amount to be proven at trial.

12 90. Defendants' aforementioned acts have been fraudulent, oppressive, and malicious,
13 and therefore Plaintiff is entitled to an award of exemplary damages pursuant to Nevada Revised
14 Statute § 42.005.

15 91. By their actions, Defendants have irreparably injured Plaintiff. Such irreparable
16 injury will continue unless Defendants are preliminarily and permanently enjoined by this Court
17 as set forth in Plaintiff's Prayer for Relief.

18 **PRAYER FOR RELIEF**

19 WHEREFORE, Plaintiff respectfully prays that the Court grant the following relief:

20 A. A preliminary and permanent injunction prohibiting Defendants, Defendants'
21 respective officers, agents, servants, employees and/or all persons acting in concert or
22 participation with Defendants, from: (1) using Plaintiff's NEW YORK-NEW YORK Marks or
23 confusingly similar variations thereof, alone or in combination with any other letters, words, letter
24 strings, phrases or designs, in commerce or in connection with any business or for any purpose
25 whatsoever (including, but not limited to, on websites, in domain names, in hidden text and
26 metatags); and (2) registering or trafficking in any domain names containing the Plaintiff's NEW
27 YORK-NEW YORK Marks or confusingly similar variations thereof, alone or in combination
28 with any other letters, words, phrases or designs.

1 B. A permanent injunction requiring the current domain name registrar to transfer the
2 <newyorknewyork.com> domain name to Plaintiff;

3 C. An award of compensatory, consequential, statutory, exemplary, and/or punitive
4 damages to Plaintiff in an amount to be determined at trial;

5 D. An award of interest, costs and attorneys' fees incurred by Plaintiff in prosecuting
6 this action; and

7 E. All other relief to which Plaintiff is entitled.

8 DATED this 6th day of November, 2009 Respectfully submitted,

BROWNSTEIN HYATT FARBER SCHRECK,
LLP

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